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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 4, 2002, at 2 p.m.

Senate

TUESDAY, JULY 30, 2002

The Senate met at 10:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, You have created us to love and praise You. You desire an intimate, personal relationship with all of us. Praise surges from our hearts for what You are to us and thanksgiving for what You promise for us. We say with the psalmist,

I will praise You, O Lord, with my whole heart. I will tell of Your marvelous works. I will be glad and rejoice in You; I will sing praise to Your name.—(Psalm 9:1,2).

When we are yielded to You, our faltering, fallible, human nature is invaded by Your problem-solving, uplifting presence. We want to glory only in our knowledge of You and Your wisdom. We commit our minds, emotions, wills, and bodies so that we may be used by You. Fill us with Your supernatural power so that we may be equipped to face the ups and downs, the pleasures and pressures of this day. We will remember that whatever the circumstances, praise and thanksgiving will usher us into Your heart where alone we can find the guidance and grace we so urgently need. You have given the day; now show the way. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time from

10:40 a.m. until 11:10 a.m. be under the control of Senator BYRD; that the next 35 minutes be under the Republicans' control for morning business; that the Senate resume consideration of S. 812 at 11:45 a.m., with the time until 12:45 equally divided between Senators KENNEDY and MCCONNELL or their designees; and that the previously ordered recess begin at 12:45 p.m. instead of 12:30 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, there are two cloture motions that were filed last evening—first on the Dorgan amendment and second on the generic drug bill. Therefore, Senators have until 12:45 p.m. today to file first-degree amendments.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

The Senator from Michigan is recognized.

PRESCRIPTION DRUG COSTS

Ms. STABENOW. Madam President, I want to take a few moments, as we are working in earnest this week to complete the session and focus on where we are as it relates to the critical issue of prescription drug coverage and making sure that our seniors have help in Medicare and also that we are lowering prices for everyone. This has been quite a challenge for us.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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We knew when we started, we were facing daunting odds; that the system, as it is situated right now, heavily favors the industry and that as a result of the fact that it heavily favors them, and the rules favor them and allow them to stop competition and to be able to set prices on Americans much higher than in other countries, we knew this was going to be an uphill battle.

We often talk about the fact that there are six drug company lobbyists for every one Member of the Senate and what that means in terms of challenges. But we have an opportunity today, and many of us have been working across the aisle in good faith. In fact, I would say everyone has been working in good faith. There are different philosophies—two very different approaches—that are being developed. But everyone is working in good faith to try to get something done. I think today is the day when we really decide are we going to at least take the first step. If we can't get all the way there, to give comprehensive Medicare coverage for all seniors and disabled, we have to at least begin the process to do that.

We are being called upon by AARP and the other senior groups to at least take the first step. So we are working hard today. I commend my colleagues on both sides of the aisle who have been working with us to be able to do that. We still have two different philosophies—one put forward predominantly by our colleagues on the other side of the aisle and by the House Republicans, which I believe moves us in the direction of privatizing Medicare. It would use private sector insurance, HMOs, as the mechanism for providing prescription drug coverage.

In my home State, we have seen Medicare+Choice, basically a failure in terms of covering people, pulling out. My own mother was in the program and lost her HMO coverage. We have seen over and over again where the private sector market has not worked for our seniors as it relates to Medicare.

I argue that it is the wrong direction to go to try to prop up this system—private sector HMOs. There have been proposals that would prop them up to the tune of Medicare paying 99 percent—covering 99 percent of the risk in order to go through private insurance companies. To me, that seems a little ridiculous.

What we should be doing is what seniors across the country are asking us to do and that is update Medicare. We have had colleagues who have called Medicare a big government program. As I have said before, I believe it is a great American success story—Medicare and Social Security.

So we have an opportunity today to begin to modernize Medicare. I hope we are going to do that. Ultimately, we know that Medicare—the health care system for older Americans—needs to cover prescription drugs for everyone on Medicare. But at a minimum, we

need to start with our lower income seniors, who are deciding: Do I eat or get my medicine? Do I pay the utility bills or pay the rent? Maybe I should cut my pills in half. Maybe I should ask for a 1-week supply instead of a month. Maybe I will share them with my spouse because we both need the same blood pressure medicine.

There are so many real stories. I have read many of them on the floor of the Senate—real-life stories of people in Michigan who are struggling to make life-and-death decisions.

We have an opportunity at least to do something for them. We have an opportunity also for those who are the sickest, who have the biggest bills, who are finding themselves trying to decide between having their home, their retirement, being able to have any life whatsoever, or having thousands and thousands of dollars in drug bills. We have the opportunity to, as well, put in place for everybody the ability to know that they will not lose their home or their retirement and savings as a result of the cost of their medicine.

If we could simply start with the neediest and the sickest under Medicare, I believe that would be a wonderful first step for us and something we could do today in a bipartisan way within the integrity of Medicare.

I hope, Madam President, we will take the challenge that the seniors are calling on us to do across the country: To step up and provide leadership, to do more than talk, and begin to get something done for the seniors and others on Medicare.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 10:40 a.m. to 11:10 a.m. shall be under the control of the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

CREATION OF A NEW DEPARTMENT OF HOMELAND SECURITY

Mr. BYRD. Madam President, later this week, the Senate is expected to begin debate on the creation of a new Department of Homeland Security. The debate, however, will not be about whether to create a new Department, but rather how to create a new Department.

Since the President unveiled his legislative proposal 6 weeks ago, the Congress seems unwilling—or unable, perhaps—to resist the stampede moving it towards the creation of this new Department. Indeed, the momentum behind the idea seems almost unstoppable.

With the level of endorsement the Congress has given to this idea, one would think that the proposal for a new Homeland Security Department had been engraved in the stone tablets that were handed down to Moses at Mount Sinai. But in reality, the idea was developed by four Presidential staffers—four—in the basement of the White House. For all we know, it could

have been drafted on the back of a cocktail napkin.

The administration did not consult with Members of Congress about the President's proposal. We were not asked for our input. The week the President unveiled his proposal to the American people, only a select circle of Washington insiders were even aware of its existence.

I remember the events of that week. The administration was under fire about whether U.S. intelligence agencies had adequate information to prevent the September 11 attacks. FBI whistleblower Coleen Rowley was testifying before the Senate Judiciary Committee—the same day, in fact, that the President addressed the Nation to announce this new Department. The President's poll numbers were dropping as the American public began to question the effectiveness of the administration's plan to protect our homeland.

The Congress was taking the initiative on the homeland security front. Senator LIEBERMAN's proposal to create a new Department of Homeland Security was slowly gaining momentum in the media. White House Press Secretary Ari Fleischer just a few weeks earlier criticized the Lieberman plan by saying that "a [new] cabinet post doesn't solve anything." That was Mr. Fleischer talking: "a new Cabinet post doesn't solve anything."

This was the political environment in which the President unveiled his hasty proposal, and that proposal was widely reported in the media as helping the administration to retake the initiative in protecting the homeland. The President's address to the Nation helped to restore the confidence of the American public in the administration's efforts to protect the homeland, and even provided the President with a boost in his approval ratings.

So the President's proposal was crafted in the bowels of the White House, cloaked in secrecy, and presented by an administration trying to regain political ground. Those are hardly the conditions that should inspire the Congress to rally around a Presidential proposal, but that is exactly what is happening.

The Congress is coming around, rallying around a massive, massive governmental reorganization with little discussion about whether such a reorganization is desirable or even necessary. What is worse, the Congress is so eager to show itself united beside the administration in our Government's efforts to protect the homeland, that it has committed itself to a timetable that would allow for only minimum debate about the President's proposal—a plan of dubious origins—so that we can expedite its passage before the 1-year anniversary of the September 11 attacks. Think of that!

Have we all completely taken leave of our senses?

The President is shouting "Pass the bill! Pass the bill! Pass the bill." The administration's Cabinet Secretaries